

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

NAN HANKS & ASSOCIATES, INC.)	
)	Case No. 1:18-cv-0040
)	
<i>Plaintiff,</i>)	Judge Atchley
)	
v.)	Magistrate Judge Steger
)	
THE ORIGINAL FOOTWEAR COMPANY, INC.)	
)	
<i>Defendant.</i>)	

VERDICT FORM

We the jury, unanimously answer the questions submitted by the Court as follows:

Breach of Contract

1. Has Plaintiff shown by a preponderance of the evidence that Defendant and Plaintiff entered into a contract?

Yes ✓ No _____

If Yes, continue to Question 2. If No, skip questions 2–4, and proceed to Question 5.

2. Has Plaintiff shown by a preponderance of the evidence that Defendant breached that contract?

Yes ✓ No _____

If Yes, continue to Question 3. If No, skip question 3–4, and proceed to Question 5.

3. Has Defendant shown by clear and convincing evidence that Plaintiff waived its right to some or all of the disputed commissions?

Yes ✓ No

Continue to Question 4.

4. Has Defendant shown by a preponderance of the evidence that Plaintiff and Defendant reached an accord and satisfaction as to some or all disputed commissions?

Yes ✓ No

Continue to Question 5.

California's Independent Wholesale Sales Representatives Contractual Relations Act

5. Has Plaintiff shown by a preponderance of the evidence, that Defendant willfully failed to pay Plaintiff commissions Plaintiff was owed on or after February 28, 2017?

Yes ✓ No

If Yes, continue to Question 6.


If the answer to Question 5 was no, and answers to 1 or 2 were no, please have your foreperson sign and date the verdict form and tell Ms. Laster that you have reached a verdict.

If the answer to Question 5 was no, but the answers to 1 and 2 were yes, continue to Question 6.

6. What amount of damages, if any, were suffered by Plaintiff as a result of Breach of Contract and/or a violation of the California Act? If you award damages, any damages awarded under the California Act must be trebled, but only those damages are trebled.

\$748,780

Please sign and date the Verdict Form and notify Ms. Laster that you have reached a verdict.



Jury Foreperson

7/20/21
Date